

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on December 29, 2006, the Examiner objected to the specification and rejected claim 29 under 35 U.S.C. § 112, first paragraph. The Examiner rejected claims 1-8, 12-17, 20-21, 24-29, 33, and 35-39 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,498,656 to Mastie et al. (hereinafter "Mastie"), and rejected claims 9-10 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Mastie in view of U.S. Patent Application Publication No. 2003/0160993 to Kang (hereinafter "Kang"). Applicant therefore respectfully provides the following:

Claims 1-10 have been canceled, and new claims 40-49 have been added.

Claims 12, 15-17, 20-21, 24-29, and 33-39 have been amended.

Objection/Rejection under 35 U.S.C. § 112, First Paragraph:

The Examiner objected to the specification and rejected claim 29 under 35 U.S.C. §112, first paragraph. Applicant respectfully submits that the specification as filed contained an adequate written description that enabled one of skill in the art to practice the invention as to the language objected to/rejected by the Examiner. Furthermore, Applicant has amended the specification as contained herein to provide specific support for the rejected claim language. The amendment is supported by the application as filed at page 18 lines 3-21 and by claim 29 as originally filed. For the reference and convenience of the Examiner, Applicant here provides a copy of claim 29 as filed:

29. A computer program product as recited in claim 28, wherein the step for receiving a response includes the steps for:

determining whether the response includes a conflict from the client computer device to despool the print data to the printing device, wherein if the conflict is included in the response, resolving the conflict; and

determining whether the response includes an objection from the client computer device to despool the print data to the printing device, wherein if the objection is included in the response, resolving the objection.

One of skill in the art would readily recognize from the application as filed as set forth above that Applicants had possession of the invention as claimed, and would further be able to practice the invention as claimed by implementing the disclosed communication exchanges. As Applicant has shown that the application as filed includes an enabling written description of the rejected language, Applicant respectfully requests removal of the rejection of claim 29 and withdrawal of the objection to the specification.

Rejections under 35 U.S.C. § 102(e):

In the Office Action, the Examiner rejected claims 1-8, 12-17, 20-21, 24-29, 33, and 35-39 under 35 U.S.C. § 102(e) as being anticipated by Mastie. Applicant has canceled claims 1-8 and will therefore limit the following discussion to the other rejected claims and to the new claims submitted in this response. The standard for a Section 102 rejection is set forth in M.P.E.P 2131, which provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). . . . “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that the cited reference does not teach every aspect of the amended claim set as provided herein in as complete detail as is contained in the claim and therefore does not anticipate the claims of the present invention.

In particular, independent claim 12 recites: “broadcasting an intent to send the print job from the first client computer device to the printing device, wherein the intent is broadcast from

the first client computer device to a plurality of the client computer devices connected to the printing device via the network without including the print job in the broadcast intent; distributively managing the print job and a prioritization of the print job until the first client computer device sends the print job to the printing device, wherein the distributively managing the print job and a prioritization of the print job comprises: determining whether a response to the broadcast intent is received by the first client computer device from one or more of the plurality of the client computer devices; and sending the print job from the first client computer device to the printing device after an event selected from the following events occurs: receiving no response to the broadcast intent at the first client computer device; and receiving a response to the broadcast intent at the first client computer device from at least one of the plurality of the client computer devices, followed by receiving a permission to send the print job to the printing device at the first client computer device from the at least one of the plurality of the client computer devices.” Such limitations are not taught by Mastie.

Applicant’s claimed invention provides a mechanism whereby network-connected client computers can arbitrate amongst themselves so as to determine when the various client computer devices should be permitted to send print jobs to printers. This arbitration occurs without sending the full print job between the various client computer devices and without requiring that a dedicated print server be a part of the network. Instead, as is more clearly set forth in the amended claims, information about a print job to be printed is broadcast by a client intending to print to other clients on the network to determine if the client may print the job. Other clients can then respond if they are managing other print jobs to control when the first client prints. This distributive management of print order, as claimed, is clearly different than the system and methods taught by Mastie.

Mastie does not teach any communication between clients, and therefore cannot teach the claimed invention that requires such communications. As set forth by the Examiner, Mastie teaches instead that print jobs are received and queued by a print server (the printer manager 6) or by software programs within the printer unit. (See Col 9 lines 6-15) Thus, Mastie does not teach client-to-client communications and does not teach the invention claimed in claim 12.

The Examiner's assertion that communications between client computer devices and printers may be interpreted to read on Applicant's specific claimed communications between client computer devices to distributively manage print jobs ignores the requirement that "The identical invention must be shown in as complete detail as is contained in the . . . claim." (M.P.E.P. 2131) Applicant respectfully submits that contrary to the assertion made by the Examiner, the claimed limitations are not taught by Mastie. In the Office Action, the Examiner relied on several passages from Mastie relating to Figure 3. Applicant respectfully submits that Figure 3 and the related discussion clearly teaches routing performed by the printer manager (server-based) and not broadcast communications between clients, as is required by the claim. Specifically, in describing the elements of Figure 3, Mastie declares:

FIG. 3 illustrates logic implemented in the printer manager 6 or the printer controllers 8a, b, c to select a queue for a physical printer 12, a, b, c, d, e.g., a logical printer, from multiple available logical printers/queues. Control begins at block 30 which represents the printer manager 6 selecting a print job, e.g., a RIPPed print job, to route to a logical printer. . . . Control transfers to block 31 which represents the printer manager 6 querying the printers 12a, b, c, d in the system 2 to determine the status of the printers . . . Control transfers to block 32 which represents the printer manager 6 determining whether there are available logical printers that are capable of handling the print job.

(Col 7 lines 48-63, emphasis added.) These actions are actions taken by the printer manager 6 without any communications between the client computers. Hence, Mastie fails to disclose a broadcast message from one client computer to another as part of the management of the print job.

The other portions of Mastie cited by the Examiner also fail to teach client-to-client communications. Column 2 lines 41-52 merely summarizes the discussion of Figure 3 without disclosing any client-to-client communication. Column 3 line 64-column 4 line 35 merely describes the overall system of use of Mastie, and fails to disclose any client-to-client communication similar to those claimed by Applicant. Finally, column 5 lines 35-61 describes tasks performed by the server-based printer manager 6. Therefore, nothing in Mastie teaches the claimed broadcast intent sent between client computer devices. Even if Mastie is misinterpreted as teaching communications between client computer devices as is claimed in claim 12, the Examiner has not shown that Mastie teaches the specific claimed method steps based on the response received to the broadcast intent to send the print job. Finally, such misinterpretation ignores the claim language that requires that the print job not be included in the broadcast between client computer devices.

Therefore, for all these reasons, Applicant respectfully submits that Mastie fails to teach all limitations of claim 12. Claim 28 includes similar limitations to those of claim 12 and is at least allowable for the same reasons. Claims 13-17, 20-21, 24-29, and 33-39 depend from one of claims 12 and 28 and are therefore allowable for at least the same reasons. Applicant therefore respectfully requests removal of the rejections under 35 U.S.C. § 102(e) for all rejected claims.

Regarding new claim 40, Applicant respectfully submits that this new claim defines over Mastie as well. Specifically, claim 40 requires: "a system for distributively managing the sending of print jobs from the local print queues of the individual client computer devices to the printing device comprising: a broadcast intent, broadcast from a first client computer device to multiple of the plurality of client computer devices, to send a first print job from the first client

computer device to the printing device, wherein the broadcast intent includes information about the print job but does not include the print job; and a response from a second client computer device indicating that the second client computer device is managing sending of print jobs to the printing device, wherein the response includes one of: an indication that the second client computer device has no objection to the first client computer device sending the first print job to the printing device; an objection to and denial of the immediate sending of the first print job to the printing device by the first client computer device; and an indication that a conflict must be resolved in order to permit the first client computer device to send the first print job to the printing device." Such limitations are similar to those contained in claim 12 and discussed above. Therefore, claim 40 and claims 41-49 that depend from claim 40 define over Mastie.

Rejections under 35 U.S.C. §103(a):

The Examiner rejected claims 9-10 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Mastie in view of Kang. Applicant has canceled claims 9-10 and respectfully submits that claim 34 is not made obvious by the cited references.

The standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Applicant respectfully submits that the references cited by the Examiner, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein.

Specifically, claim 34 depends from claim 12, and also includes the allowable limitations contained therein by dependency. Applicant respectfully submits that these limitations are not taught by Kang, or by the combination of Mastie and Kang, and that therefore these claims are not made obvious by the cited combination. In the Office Action, the Examiner relied on Kang as teaching a request for a print queue change, a request for administrative authority, and registering a client device for distributed management. None of these relied-upon teachings includes teaching management of a print job using communications between client computer devices.

Specifically, Kang teaches a method for a workstation to print on a network printer not necessarily installed on the workstation. (Para [0010].) This is accomplished, according to Kang, by “querying a server” for printer information contained in print queues on the server. (Para [0013], emphasis added.) The use of servers is described further in Kang in nearly every paragraph. With such disclosure, it is clear that Kang does not teach management of print jobs without using a server, as is required by the rejected claims. Furthermore, Kang discloses information passing from the workstations to the servers, but does not disclose the claimed client-to-client communications as part of client-based serverless distributive management of print jobs.

Applicant respectfully submits, therefore, that the combination of Kang and Mastie fails to teach or suggest all claim limitations of the rejected claim 34, as is required for a *prima facie*

case of obviousness. As the cited references fail to make obvious the claims, Applicant respectfully requests removal of the rejections under 35 U.S.C. § 103(a).

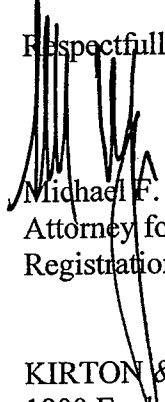
Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicant submits that the claims are in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 28 day of March, 2007.

Respectfully submitted,


Michael F. Krieger
Attorney for Applicant
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 321-4814
Facsimile: (801) 321-4893